

- E-15 Approved placement of memorial plaque at Vinewood Park for Christine R. Scott.
- E-16 Authorized request for proposals for remittance processing system that would streamline the handling of bill payments to the City.

ACTION ON ITEM REMOVED FROM CONSENT CALENDAR

- E-3 "Accept the quarterly investment account report as required by law SB564"


NOTE: Due to a potential conflict of interest stemming from his employment with Farmers and Merchants Bank, Council Member Land abstained from discussion and voting on this matter.

MOTION / VOTE

The City Council, on motion of Council Member Beckman, Hansen second, accepted the quarterly investment account report as required by law SB564. The motion carried by the following vote:

Ayes: Council Members – Beckman, Hansen, and Howard
Noes: Council Members – None
Absent: Council Members – Mayor Hitchcock
Abstain: Council Members – Land

F. COMMENTS BY THE PUBLIC ON NON-AGENDA

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- Steve Jarrett introduced himself as the pastor of New Hope Community Church and read the following statement signed by senior pastors from Century Assembly Church, Bear Creek Community Church, Harvest Bible Church, Temple Baptist Church, New Hope Community Church, Lodi Avenue Baptist Church, First Baptist Church, and the director of Christian Community Concerns (filed):

To the members of the Lodi City Council and senior staff. I stand before you this evening with a proclamation for encouraging and informing the Council and staff that together we can stand, fight, and win the current attack upon the values of our great community. In 2000 the then current City Council saw the wisdom and benefit to our community of passing City ordinance 1696 part 6, which protected the values of our community. This ordinance came into existence by the leadership shown by Ken Owen of Christian Community Concerns and the strong urging and support of many of Lodi's Christian leaders and the congregations they serve. It has taken three years for the ordinance to start to have the desired impact of the regulating of the owners and employees of establishments that commerce in adult sexually-oriented businesses. Because this ordinance is being effective in this regulation, a current owner has filed a lawsuit against the City of Lodi in federal court claiming first amendment rights violations. It has distressed Christian Community Concerns as well as the Christian Leadership in this city that quotes attributed to the City Attorney belies an attitude of immediate defeat and retreat from the values we as a city wish to maintain. To refresh your memory the ordinance that was passed by the City Council was fashioned after a very similar ordinance that has been in place for the City of Modesto for many years. It was represented to us that their ordinance had survived court challenges. When news of the filing of the lawsuit against the city reached Ken Owen he asked the Pacific Justice Institute to look at Lodi's ordinance. They verbally told Mr. Owen that the ordinance, in its original form, was totally defensible. They will soon be forwarding a written legal opinion. We strongly, and we emphasize the term strongly, urge the Council to stay the course and fight the battle to maintain the values the citizens of Lodi hold dear. If ever there was a legal battle to face head on, using all the resources available to the city and with a City Attorney's office eager for the fight and confident of victory, this is that battle. We want to assure you that the Christian leadership represented by their signatures below, are not afraid of the federal court and are ready to do all they can within their scope, their influence, and their resources, to ensure that every action possible is taken, by you the Council and City Attorney's Office in the defense of this ordinance. Thank you for your time and we thank you for your effort that will come in this area that is so important to our community's way of life.

Council Member Land stated that he believed in the ordinance, the need to defend it, and looked forward to the written legal opinion.

Pastor Jarrett stated that they had resources for legal assistance available to the City at no cost,

- * Eileen St. Yves stated that she read an article in The Record today regarding Code Enforcement officers who made an inspection of property that turned out to be unnecessary. She stated that a petty disagreement between two neighbors allowed this to happen. It put a strain on the party who was investigated. The complainant was guaranteed anonymity. She asked what is done about individuals who make false claims, take up City time and money, and put others in a negative position without justification,

Council Member Beckman replied that Code Enforcement has the right to conduct searches and citizens have a right to refuse. The particular citizen referred to in the article allowed the Code Enforcement Officers onto his property to conduct the search.

Ms. St. Yves noted that if a citizen refuses the request, Code Enforcement may obtain a search warrant.

Council Member Hansen commented that from the Police Department's perspective if someone makes a false claim and it causes time and expense, there is a process that can be used to try and recover the costs. He noted that it is a criminal violation to report a crime that has not occurred.

- * Arthur Price stated that his home is in an area being developed, to the west on Mills Avenue is Century Meadows and on the south is Mainstreet. He reported that the sewers in the area are 24 inches wide and 14 inches high with a 30 degree slant down to a 14 inch diameter pipe. He believed it to be an attractive nuisance and danger to neighborhood children. He noted that older sewer drains have a metal bar across them approximately five inches from the ground and suggested that the newer models be retrofitted accordingly.

City Manager Flynn indicated that he would look into the matter.

G. PUBLIC HEARINGS

- G-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pro Tempore Howard called for the public hearing to consider the Planning Commission's recommendation of approval of the request of Gary E. Hansen, Don and Nancy Miller, and J. Jeffrey Kirst for an Annexation, General Plan Amendment, and Rezoning at 13669 North Cherokee Lane; 1443, 4071, 4145, and 4219 East Xarney Lane; the request also includes a recommendation to certify Negative Declaration ND-02-11 as adequate environmental documentation for this project.

Community Development Director Bartlam reported that there are three property owners that have requested to change the City's general plan and zoning in preparation of annexation of two properties. He noted that a third property has already been annexed. The first property is just over 18 acres and is located on the northwest corner of Harney Lane and the Cherokee Lane frontage to Highway 99. The second property, owned by Jeffery Kirst, is much smaller and is located on west Harney Lane. Mr. Bartlam explained that the first step in the annexation process is to amend the general plan from the City's planned residential designation and provide for direction for a zoning designation, which in this case it is suggested to go from planned residential to medium-density residential. Medium-density residential is a designation that allows 7 to 20 units per acre. The second property on west Harney Lane would go from planned residential to low-residential density, which is the designation for the surrounding properties. This site currently has a single-family residence on it and has some potential to subdivide the back property to gain additional single-family lots. Mr. Bartlam asked that Council amend the general plan and provide zoning for the three properties and initiate annexation for the two parcels that are southeast of the existing City limits.

filed 5-21-03

S. Jarrett
Item F

To the members of the Lodi City Council and senior staff. I stand before you this evening with a proclamation for encouraging and informing the Council and staff that together we can stand, fight and win the current attack upon the values of our great community.

In 2000 the then current City Council, saw the wisdom and benefit to our community of passing City Ordinance 1696 part 6 which protected the values of our community. This ordinance came into existence by the leadership shown by Ken Owen of Christian Community Concerns and the strong urging and support of many of Lodi's Christian Leaders and the congregations they serve.

It has taken three years for the ordinance to start to have the desired impact of the regulating of the owners and employees of establishments that commerce in adult sexually oriented businesses. Because this ordinance is being effective in this regulation, a current owner has filed a law suit against the City of Lodi in Federal Court claiming First Amendment Rights violations.

It has distressed Christian Community Concerns as well as the Christian Leadership in this city that quotes attributed to the City Attorney belies an attitude of immediate defeat and retreat from the values we as a city wish to maintain.

To refresh your memory the ordinance that was passed by the City Council was fashioned after a very similar ordinance that has been in place for the City of Modesto for many years. It was represented to us that their ordinance had survived court challenges.

When news of the filing of the law suit against the city reached Ken Owen he asked the Pacific Justice Institute to look at Lodi's ordinance. They verbally told Mr. Owen that the ordinance, in it's original form, was totally defensible. They will soon be forwarding a written legal opinion.

We strongly and we emphasize the term strongly, urge the Council to stay the course and fight the battle to maintain the values the citizens of Lodi hold dear. If ever there was a legal battle to take head on, using all the resources available to the city and with a City Attorney's office eager for the fight, and confident of victory, this is that battle.

We want to assure you that the Christian leadership, represented by their signatures below, are not afraid of the Federal Court, and are ready to do all they can, within their scope, their influence and their resources, to insure that every action possible is taken, by you, the Council and the City Attorney's Office in the defense of this ordinance.

Thank you for your time and we thank you for your effort that will come in this area that is so important to our community's way of life.

D. Dale Edwards
Kenning Assembly Church
Barbara L. Owen

CHRISTIAN COMMUNITY CONCERNS
Bill Cummings
Pearl Creek Community Church

K. Mark Smith
Harvest Bible Church
Perry Kalk
Temple Baptist Church
Stephen A. Jewett
New Hope Community Church

Mike Abdollahzadeh
Lodi Avenue Baptist Church
Steve Newman
First Baptist Church